

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SHELANDA THOMAS,)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	NO. _____
v.)	
)	
U.S. ROADWAYS)	
ENTERPRISES INC; UNITED)	
SPECIALTY INSURANCE)	
COMPANY; JOHN DOE)	
COMPANY; AND JOHN DOE,)	
)	
Defendants.)	

NOTICE OF REMOVAL

COME NOW defendants U.S. Roadways Enterprises Inc. ("U.S. Roadways") and United Specialty Insurance Company ("USIC") (collectively, "these defendants") and, pursuant to 28 U.S.C. §§ 1441 and 1446, file this notice of removal within the time prescribed by law, showing the Court as follows:

1.

On June 23, 2023, plaintiff filed a complaint in the State Court of DeKalb, County, Georgia, Civil Action No. 23A02821, which county is within the Atlanta Division of the Northern District of Georgia. On June 28, 2023, plaintiff served defendant USIC with a copy of the summons and complaint via its registered

agent. (Exhibit A.) On June 29, 2023, plaintiff served U.S. Roadways with a copy of summons and complaint via its statutory registered agent. (Exhibit B).

2.

A true and correct copy of all process, pleadings, and orders filed in connection with this action is attached hereto as Exhibit C. These defendants have no knowledge of any other process, pleadings, or orders served in connection with this action, other than those attached hereto.

3.

This Court has original jurisdiction over the above-referenced case under 28 U.S.C. § 1332.

4.

There is complete diversity among the parties.

5.

Plaintiff is a citizen of the State of Georgia. (Compl., ¶ 2.)

6.

Defendant U.S. Roadways is incorporated in the State of California with its principal place of business in the State of California. (Compl., ¶ 4-5; *see also* California Secretary of State, *Business Search results* attached hereto as Exhibit D.)

7.

Defendant United Specialty Insurance Company is incorporated in the State of Delaware with its principal place of business in the State of Texas. (Compl., ¶ 18; *see also* Georgia Secretary of State, *Business Search results* attached hereto as Exhibit E.)

8.

The citizenship of the unnamed, fictitious defendants John Doe and John Doe Company "shall be disregarded." 28 U.S.C. § 1441(b); *Smith v. Comcast Corp.*, 786 Fed. App'x 935, 939 (11th Cir. 2019) ("Even if the fictitious defendants were likely not diverse, their citizenship must be disregarded for purposes of diversity jurisdiction.") (Citation marks omitted).

9.

The amount in controversy meets the jurisdictional requirements. Plaintiff seeks in excess of \$75,000, exclusive of interest and costs; specifically, plaintiff seeks over \$92,819.17 for past medical expenses, past and future lost income, past and future pain and suffering, and punitive damages. (Compl., ¶¶ 78, 81.)

10.

All defendants consent to the removal of this action pursuant to 28 U.S.C. § 1446(b)(2)(C).

11.

The undersigned has read this notice of removal, and to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, it is well-grounded in fact; is warranted by existing law; and is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, this notice of removal having been filed, said action shall proceed in the United States District Court for the Northern District of Georgia, Atlanta Division, and no further proceedings shall be held in said case in the State Court of Dekalb County.

STONE KALFUS LLP

/s/ Shawn N. Kalfus

Matthew P. Stone

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Attorneys for Defendants

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CERTIFICATE OF SERVICE

This is to certify that I have this date served the foregoing *Notice of Removal* to the Clerk of Court using the CM/ECF system which will automatically send electronic mail notification of such filing to counsel of record who are CM/ECF participants and mailed by United States Postal Service, first-class, postage prepaid, a paper copy of the same document to counsel of record who are non-CM/ECF participants. Counsel of record is:

J. Martin Futrell, Esq.
WLG Atlanta, LLC
Bank of America Plaza
600 Peachtree Street, NE, Suite 4010
Atlanta, GA 30308

This 28th day of July, 2023.

/s/ Shawn N. Kalfus
Shawn N. Kalfus
Georgia Bar No. 406227

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